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The Honorable Marsha J. Pechman  
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UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE  
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EMMA ALVARADO, on behalf of herself and on  
behalf of all others similarly situated,

Plaintiff,

v.

MICROSOFT CORPORATION, a Washington  
corporation, and DOES 1 through 100, inclusive,

Defendants.

Case No. C 09-0189 MJP

[PROPOSED] STIPULATED  
JUDGMENT IN A CIVIL CASE

1 WHEREAS, this matter came before the Court on Defendant Microsoft Corporation's  
2 Motion to Dismiss Second Amended Complaint;

3 WHEREAS, the Court has reviewed the pleadings filed by Plaintiff in this action and  
4 the papers filed by the parties in support of and in opposition to Microsoft's motion;

5 WHEREAS, the Court issued an order on February 22, 2010 (Dkt. 45) granting  
6 Microsoft's motion to dismiss with prejudice as to Plaintiff's Consumer Protection Act claim  
7 and without prejudice as to Plaintiff's unjust enrichment and declaratory relief claims;

8 WHEREAS, the parties have met and conferred and consent to entry of the following  
9 judgment;

10 WHEREAS, Plaintiff will not appeal this Court's February 22, 2010 order or any other  
11 order or decision in the above-captioned matter;

12 WHEREAS, Defendant will not seek to recover its attorneys' fees or costs of suit in the  
13 above-captioned matter;

14 THEREFORE, the judgment is hereby entered in favor of Defendant Microsoft  
15 Corporation as follows:

- 16 1. Plaintiff's Consumer Protection Act claim is dismissed with prejudice.
- 17 2. Plaintiff's unjust enrichment and Declaratory Judgment Act claims are  
18 dismissed without prejudice.
- 19 3. Each party shall bear its own fees and costs.

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21 IT IS SO ORDERED,

22  
23 Dated this \_\_\_\_ day of \_\_\_\_\_, 2010.

24 Hon. Marsha J. Pechman  
25 United States District Court Judge  
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1       Presented by:  
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3       ORRICK HERRINGTON & SUTCLIFFE LLP  
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5       s/ Paul F. Rugani  
6       Paul F. Rugani (WSBA # 38664)

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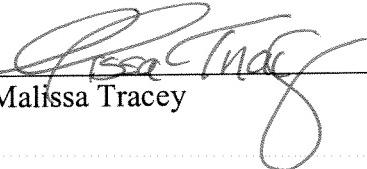
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**CERTIFICATE OF SERVICE**  
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I hereby certify that on June 8, 2010, I electronically filed the foregoing document with  
the Clerk of the Court using the CM/ECF system which will send notification of the filing to  
all counsel of record.

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7 DATED this 8th day of June, 2010.  
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11 By   
12 Malissa Tracey  
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